IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 6715 of 2005

Between:

SK. Khadar, S/o Sabjan,
R/o 17/235, Thipparajuvari Street, Pogathota, Nellore town, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Commissioner, Nellore Municipal Corporation, Nellore

District.
3 A.P. Transmission Corporation, Rep. by its Divisional Engineer,
Nellore Town, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction one in the nature of Mandamus for public safety declaring the action of the respondent is illegal, arbitrary without following the transformer errection specifications to errection the transformer in the middle of the way at Yedlavaristreet, Nellore town, Nellore District and consequently direct the respondent to acquire sufficient land and safety measure before installation of the transformer and also direct the respondent accordingly to follow the rules and specifications and to pass such other or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.L.V.PRASAD

Counsel for Respondent No.1: G.P FOR REVENUE

Counsel for Respondent No.2:------

Counsel for Respondent No. 3: Mr.M.Sree Ramulu Reddy

The Court at the stage of admission made the following :

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O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ):

Heard learned counsel for the petitioner.

This writ petition has been filed in public interest seeking a direction not to install a transformer at a particular place in a street in Nellore town.

Counter has been filed by the Divisional Engineer. Learned counsel for the third respondent is present. We have perused the counter, which states that the original transformer was in existence at Yadlavari street, Nellore town. The Municipal Corporation has taken a decision for widening the road, therefore, since the transformer was in the middle of the road, APSPDCL was requested to take immediate action for shifting their poles and transformer to the end of the road. Previously, the transformer was in the middle of the road and now it is being installed at the end of the road. It is also stated that they will take all safety measures while installing the transformer and also provide basement not less than 5 feet and fencing not less than 3 feet. It is also stated that the area is a big locality with busy roads and there is no other alternative site available for having the transformer installed.

In these circumstances, we do not find merit in the writ petition, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki,ACJ)

16th June, 2005.

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(K.C.Bhanu,J)

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To

1 The District Collector, Nellore, Nellore District.
2 The Commissioner, Nellore Municipal Corporation, Nellore

District.
3 The Divisional Engineer, A.P. Transmission Corporation, Nellore

Town, Nellore District.

4 Two C.Cs to the Government Pleader for Revenue, High Court

Buildings, A.P., Hyderabad (OUT)

5 Two C.D copies.